

AN ORDINANCE AMENDING CHAPTER 8, "CONSTRUCTION REGULATIONS" OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; REPEALING CHAPTER 31, "SPECIAL CONSTRUCTION", SECTION 3103 "TEMPORARY BUILDINGS OR STRUCTURES" OF THE 1994 UNIFORM BUILDING CODE, AS AMENDED, IN ITS ENTIRETY; ADDING A NEW CHAPTER 31, SECTION 3103 AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING .

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:


- PART 1. That Section 8-484, "Temporary Buildings", of Chapter 8, Construction Regulations, Article VI, Uniform Codes and Other Regulations, Division 2, Building Code of the Abilene Municipal Code be repealed in its entirety.
- PART 2. That Chapter 31, "Special Construction", Section 3103 "Temporary Buildings of Structures" of the 1994 Uniform Building Code as Amended be repealed in its entirety and a new Chapter 31, Section 3103 be added as set out in Exhibit "A" attached hereto and made a part of the Ordinance for all purposes.
- PART 3. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 4. That any person, firm or corporation violating any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Two Thousand Dollars (\$2,000). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 26TH day of JUNE, A.D., 1997.


After said passage on first reading, a notice of time and place, where and when said ordinance would be given a public hearing and considered for second and final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 6 day of July, 1997, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON SECOND AND FINAL READING this 10TH day of JULY A.D., 1997.

ATTEST:

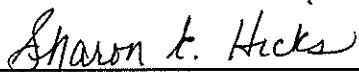


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

CHAPTER 31
SPECIAL CONSTRUCTION

SECTION 3103 - TEMPORARY BUILDINGS OR STRUCTURES

Temporary buildings or structures such as review stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

3103.1 Definition. A temporary building is a building that does not comply with all the codes and standards customarily required of permanent buildings, but which is permitted to be used for a limited time under the conditions stated herein. When approved, a temporary building may consist of more than a single structure.

One-story, detached accessory buildings used as tool or storage sheds, or play houses, with projected roof area not exceeding one hundred twenty (120) square feet, as defined in the building code, are exempt from these requirements.

3103.2 Permitted uses. Permits for temporary buildings may only be issued for the following uses:

- (1) To permit a continued function of the business in cases where a business has been damaged or destroyed by fire or natural disaster;
- (2) To provide facilities for short-term/seasonal needs or interim facilities while permanent facilities are being developed and constructed.

3103.3 Duration of use. Temporary building use is limited to a period of not more than six (6) months within a twelve (12) month period. A site shall be defined as all property under one ownership, surrounded by a continuous property line, and may include one or more lots.

EXCEPTION: Temporary buildings or trailers used by non-profit organizations for the exclusive use of obtaining donated items may request unlimited six month extensions granted by the Building Official, provided a containment fence is maintained in place at all times and no utilities are connected to the structure.

If a temporary building causes a hazardous condition to develop at any time it is in existence, the Building Official may require that the temporary building be removed or brought up to standards required for a permanent building. If, in the opinion of the City Engineer, the temporary building is creating additional run-off from the property or is causing a drainage problem, he/she may require that these problems be mitigated or that the building be immediately removed.

3103.4 Permit process and fees. Application for a permit shall be made with the Building Inspection Division. The application must receive approval from the following divisions: Planning, Engineering, and Fire.

The temporary building may be required to meet permanent structure standards when a hazard would be created by a noncomplying temporary building.

Permit fees shall be the same as required for permanent buildings and shall be paid to the City prior to the issuance of the permit or installation of the building. Double fee shall be required when a building is installed prior to a permit being issued.

Section 3103.5 Temporary structures shall comply with the following requirements:

- (1) Submit a plot plan identifying location of building on the site and intended use.
- (2) Obtain a building permit, prior to installation.
- (3) Meet setbacks and comply with zoning district requirements for specific use.
- (4) Adequate parking shall be provided in accordance with the Zoning Ordinance, be located on an impervious surface, and comply with the Stormwater Management Ordinance.
- (5) Electrical connections shall be in compliance with the National Electrical Code. When direct electrical connections are used in lieu of a meter on a separate power pole, the building shall be tied down against wind loads.
- (6) Temporary buildings in excess of 200 square feet shall provide toilet room facilities on site. This may be met by a written agreement of access to toilet facilities with another business on the same lot, or adjacent lot. Portable toilet facilities are not acceptable except for facilities used for non-profit organizations, for the exclusive use of obtaining donated items, when there is not a toilet facility on the same lot.
- (7) Food or beverage uses shall obtain a Health Permit from the Health Department.
- (8) It is the responsibility of the permit applicant to move the temporary building within the time frames identified by the ordinance. Failure to remove a structure at the end of six (6) months will be treated as a Class C misdemeanor and further requests for temporary permits to that applicant will be issued upon the submission of a \$1,000.00 bond guaranteeing removal upon expiration of the stated time period.